

## REMARKS

This is in response to the final Office Action of July 15, 2005, in the above-referenced application, finally rejected claims 12, 140 and 141. Applicant submits the following amendments and remarks.

Claim 129 has been amended to correct a grammatical error.

The pending claims have been rejected under 35 U.S.C. 103(a) based on U.S. Patent No. 6,711,548 to Rosenblatt. It is the inventor's position that Rosenblatt is deficient in showing or suggesting Applicant's invention. For example, Rosenblatt deals consistently throughout with charter flights. Applicant's invention, as defined in the claims, is directed to private aircraft which have various empty legs on many flights that can be made available to the general public. This is different from charter services which are available to fly only from a predetermined base to a preselected destination as determined by the charter service and the customers. This system does not take advantage of private aircraft which fly often completely in random and have often empty legs which can be filled.

Nevertheless, Applicant in the subject application arrived at his invention long prior to the filing date of the Rosenblatt patent. A Declaration under 37 C.F.R. § 1.132 is submitted herewith along with the evidence demonstrating the prior invention. Accordingly, Rosenblatt is not prior art against Applicant. Therefore, it is respectfully requested that claims 129, 140 and 141 be allowed since the reference relied upon by the Examiner is not prior art to the invention.


The Commissioner is hereby authorized to charge any fees associated with this filing to Kenyon & Kenyon deposit account no. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of the application.

Respectfully submitted,

Date: \_\_\_\_\_

12/21/05

  
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